

#6

Facsimile Cover Sheet

CONFIDE

To: Ms. Anita D. Johnson
Company: Assistant Commissioner for Patents
FAX: 1-703-305-3230

RECEIVED

06 NOV 2001

Legal Staff
International Division

From: DONALD H. ZARLEY
Company: ZARLEY, MCKEE, THOMTE,
VOORHEES & SEASE
Phone: 515-288-3667
Fax: 515-288-1338

Date: 10-29-2001

**Pages including this
cover page:** 13

Comments:

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET
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PATENT - Pattsy #P) 3958US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CATE, Stephen, et al.
SERIAL NO: 09/674,399
FILED: October 31, 2000
TITLE: METHOD AND MEANS FOR FILLING NATURAL
CASING SAUSAGES

REQUEST TO VACATE NOTICE OF ABANDONMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Anita D. Johnson

Dear Sir:

Attached is a copy of a Notice of Abandonment dated September 26, 2001.

On December 18, 2000 applicant forwarded to the Patent Office the following:

Completion of Filing Requirements

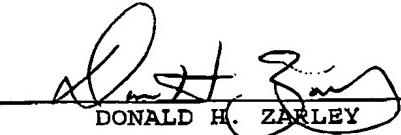
Original Executed Declaration

Copy of Notification of Missing Requirements ...

A copy of the postcard receipt dated December 26, 2000 is attached, together with copies of the above documents.

CERTIFICATE OF MAILING

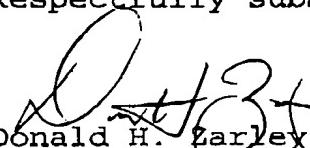
I hereby certify that the attached document was forwarded by FACSIMILE Att: Anita D. Johnson, FAX No. 703-305-3230, Assistant Commissioner for Patents, Washington, D.C. 20231, on this 29th day of October, 2001.


DONALD H. ZARLEY

While a check for the government fee of \$65.00 was not included with these documents, we did authorize charging any underpayment to our deposit account #26-0084 on page 2 of the communication entitled "Completion of Filing Requirements". Please charge our deposit account \$65.00 to cover the late filing of the declaration at this time, if it has not already been done.

Applicant requests that the Notice of Abandonment be vacated and that the application be assigned to an Examiner for continued prosecution.

Respectfully submitted,


Donald H. Zarley, Reg. #18,543
ZARLEY, MCKEE, THOMTE,
VOORHEES & SEASE
Attorneys of Record
CUSTOMER NO. 22885

801 Grand - Suite 3200
Des Moines, IA 50309
515-288-3667 - f -
Dated: October 29, 2001

December 18, 2000

Patsy #P03958US1
CATE, Stephen, et al.
Serial #09/674,399
METHOD AND MEANS FOR FILLING
NATURAL CASING SAUSAGES

The following are enclosed:
Completion of Filing Requirements
Original Executed Declaration
Copy of Notification of Missing Requirements ..

Please acknowledge.

ref



Page 1 of 1

 Commissioner For Patents, Box PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674,399	Cate	P03958US1
INTERNATIONAL APPLICATION NO.		
PCT/US00/02028		
I.A. FILING DATE		PRIORITY DATE

Donald H Zarley
Zarley McKee Thornte Voorhees & Sease
Suite 3200
801 Grand Avenue
Des Moines, IA 50309-2721

01/26/2000

CONFIRMATION NO. 8426

371
ABANDONMENT/TERMINATION
LETTER
OC000000006796275
OC000000006796275

Date Mailed: 09/26/2001

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 11/28/2000 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.494, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

ANITA D JOHNSON

Telephone: (703) 305-3661

PART 1 - ATTORNEY/APPLICANT COPY

PATENT
Attorney Docket: P03958US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: STEPHEN CATE, ET AL.
SERIAL NO: 09/674,399
FILED: October 31, 2000
TITLE: METHOD AND MEANS FOR FILLING
NATURAL CASING SAUSAGES

COMPLETION OF FILING REQUIREMENTS

Assistant Commissioner for Patents

ATTN: Application Branch

Washington, D.C. 20231

Dear Sir:

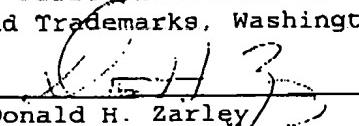
This replies to the Office letter dated November 28, 2000. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) is enclosed.

No original declaration was filed, and enclosed is the original declaration for this application.

The required fee of \$65.00 for a small entity to cover the late filing of original declaration under 37 CFR 1.16(e) was paid on October 20, 2000 along with the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)

CERTIFICATE OF MAILING

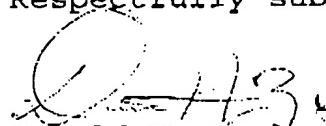
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on this 17 day of December, 2000.


Donald H. Zarley

Concerning A Filing Under 35 U.S.C. 371. Applicant is a small entity, and a verified statement that this filing is by a small entity was filed on October 20, 2000.

Please charge any underpayment or credit any over payment to Deposit Account No. 26-0084. A duplicate of this request is attached.

Respectfully submitted,


Donald H. Zarley, Reg. #18,543
ZARLEY, MCKEE, THOMTE, VOORHEES
& SEASE
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- f -

Combined Declaration for Patent Application and Power of Attorney

(Includes Reference to PCT International Applications)

Attorney's Docket Number
P03958US1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND MEANS FOR FILLING NATURAL CASING SAUSAGES

the specification of which (check only one item below)

is attached hereto.

 was filed as United States application

Serial No. 09/674,399

on OCTOBER 31, 2000

and was amended

on _____ (if applicable).

 was filed as PCT international application

Number PCT/US00/02028

on JANUARY 26, 2000

and was amended under PCT Article 19

on JULY 25, 2000 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT
UNDER 35 U.S.C. 120:**

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED

PCT APPLICATIONS DESIGNATING THE U.S.		
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)

Combined Declaration for Patent Application and Power of Attorney (Continued)
 (Includes Reference to PCT International Applications)

Attorney's Docket Number
 P03958US1

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*) Donald H. Zarley, Reg. #18,543; Bruce W. McKee, Reg. #19,651; Dennis L. Thomte, Reg. #22,497; Michael G. Voorhees, Reg. #25,715; Edmund J. Sease, Reg. #24,741; Mark D. Hensing, Reg. #30,643; Kirk M. Hartung, Reg. #31,021; Daniel J. Cosgrove, Reg. #36,770; Michael R. Crabb, Reg. #37,298; Heidi Sease Nebel, Reg. #37,719; Wendy K. Marsh, Reg. #39,705; Jeffrey D. Harty, Registration No. 40,639; James A. Napier, Registration No. 42,025; Mark Ziegelbein, Registration No. 43,307; Timothy J. Zarley, Registration No. P-45,253; and Patty L. Ades, Registration No. P-44,496.

Send correspondence to: DONALD H. ZARLEY ZARLEY, MCKEE, THOMTE, VOORHEES & SEASE 801 Grand Avenue, Suite 3200 Des Moines, Iowa 50309-2721	
--	--

2	FAMILY NAME CATE	FIRST GIVEN NAME Stephen	SECOND GIVEN NAME H.
0	RESIDENCE & CITIZENSHIP Johnston	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP US
1	POST OFFICE ADDRESS 6016 Redbud Court	CITY Johnston	STATE & ZIP CODE/COUNTRY Iowa 50131 US
2	FAMILY NAME OTTOW	FIRST GIVEN NAME Marcellinus	SECOND GIVEN NAME Franciscus
0	RESIDENCE & CITIZENSHIP Rosmalen	STATE OR FOREIGN COUNTRY Netherlands	COUNTRY OF CITIZENSHIP NE
2	POST OFFICE ADDRESS Anna Blamanstr 66	CITY S242 EG Rosmalen	STATE & ZIP CODE/COUNTRY The Netherlands
2	FAMILY NAME HERGOTT	FIRST GIVEN NAME Steven	SECOND GIVEN NAME P.
0	RESIDENCE & CITIZENSHIP West Des Moines	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP US
3	POST OFFICE ADDRESS 5113 Wistful Vista Drive	CITY West Des Moines	STATE & ZIP CODE/COUNTRY Iowa 50265 US
2	FAMILY NAME BASILE, II	FIRST GIVEN NAME Vincent	SECOND GIVEN NAME L.
0	RESIDENCE & CITIZENSHIP West Des Moines	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP US
4	POST OFFICE ADDRESS 233 24th Street	CITY West Des Moines	STATE & ZIP CODE/COUNTRY Iowa 50265 US
2	FAMILY NAME SIMPSON	FIRST GIVEN NAME Michael	SECOND GIVEN NAME S.
0	RESIDENCE & CITIZENSHIP Norwalk	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP US
5	POST OFFICE ADDRESS 4935 Wakonda Drive	CITY Norwalk	STATE & ZIP CODE/COUNTRY Iowa 50211 US
2	FAMILY NAME HAMBLIN	FIRST GIVEN NAME David	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP Norwalk	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP US
6	POST OFFICE ADDRESS 5213 Clearwater Drive	CITY Norwalk	STATE & ZIP CODE/COUNTRY Iowa 50211 US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Combined Declaration for Patent Application and Power of Attorney (Continued)
 (Includes Reference to PCT International Applications)

Attorney's Docket Number
 P03958US1

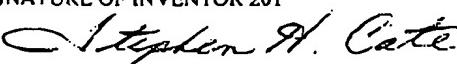
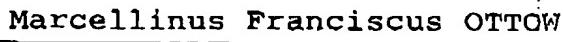
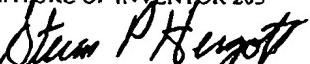
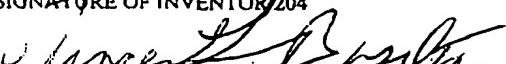
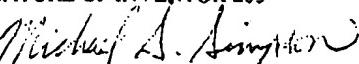
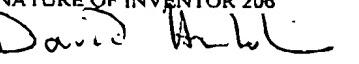
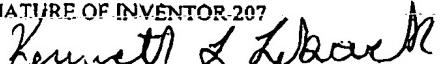
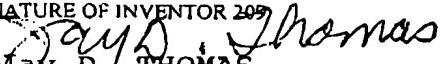
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*) Donald H. Zarley, Reg. #18,543; Bruce W. McKee, Reg. #19,651; Dennis L. Thomte, Reg. #22,497; Michael G. Voorhees, Reg. #25,715; Edmund J. Sease, Reg. #24,741; Mark D. Hansing, Reg. #30,643; Kirk M. Hartung, Reg. #31,021; Daniel J. Cosgrove, Reg. #36,770; Michael R. Crabb, Reg. #37,298; Heidi Sease Nebel, Reg. #37,719; Wendy K. Marsh, Reg. #39,705; Jeffrey D. Harty, Registration No. 40,639; James A. Napier, Registration No. 42,025; Mark Ziegelbein, Registration No. 43,307; Timothy J. Zarley, Registration No. P-45,253; and Patty L. Ades, Registration No. P-44,496.

Send correspondence to:
DONALD H. ZARLEY
ZARLEY, MCKEE, THOMTE, VOORHEES & SEASE
 801 Grand Avenue, Suite 3200
 Des Moines, Iowa 50309-2721

Direct Telephone Calls to:
(Name and telephone number)
DONALD H. ZARLEY
 515-288-3667

2	FULL NAME OF INVENTOR	FAMILY NAME LEBSACK	FIRST GIVEN NAME Kenneth	SECOND GIVEN NAME L.
0	RESIDENCE & CITIZENSHIP	CITY Ankeny	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP US
7	POST OFFICE ADDRESS	POST OFFICE ADDRESS 914 NE 15 th Street	CITY Ankeny	STATE & ZIP CODE/COUNTRY Iowa 50021 US
2	FULL NAME OF INVENTOR	FAMILY NAME ENKLAAR	FIRST GIVEN NAME Rudolf	SECOND GIVEN NAME P. T.
0	RESIDENCE & CITIZENSHIP	CITY Woerden	STATE OR FOREIGN COUNTRY Netherlands	COUNTRY OF CITIZENSHIP NE
8	POST OFFICE ADDRESS	POST OFFICE ADDRESS Blazer 6, 3448WD	CITY Woerden	STATE & ZIP CODE/COUNTRY Netherlands
2	FULL NAME OF INVENTOR	FAMILY NAME THOMAS	FIRST GIVEN NAME Jay	SECOND GIVEN NAME D.
0	RESIDENCE & CITIZENSHIP	CITY Danville	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP US
9	POST OFFICE ADDRESS	POST OFFICE ADDRESS 23 Volterra Court	CITY Danville	STATE & ZIP CODE/COUNTRY California 94526 US
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
1	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
0	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
1	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
1	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
1	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Combined Declaration for Patent Application and Power of Attorney (Continued) (Includes Reference to PCT International Applications)		Attorney's Docket Number P03958US1
SIGNATURE OF INVENTOR 201  Stephen H. CATE	SIGNATURE OF INVENTOR 202  Marcellinus Franciscus OTTOW	
DATE , 2000	DATE , 2000	
SIGNATURE OF INVENTOR 203  Steven P. HERGOTT	SIGNATURE OF INVENTOR 204  Vincent L. BASILE, II	
DATE Dec 7 , 2000	DATE Dec 6 , 2000	
SIGNATURE OF INVENTOR 205  Michael S. SIMPSON	SIGNATURE OF INVENTOR 206  David HAMBLIN	
DATE , 2000	DATE Dec 6 , 2000	
SIGNATURE OF INVENTOR 207  Kenneth L. LEBSACK	SIGNATURE OF INVENTOR 208  Rudolf P.T. ENKLAAR	
DATE Dec 7 , 2000	DATE Dec 15 , 2000	
SIGNATURE OF INVENTOR 209  Jay D. THOMAS		
DATE Dec 15 , 2000		

End of Combined Declaration for Patent Application and Power of Attorney

Stephen H. GATE

DATE

2000

SIGNATURE OF INVENTOR 204

Steven P. BERGOTT

DATE

, 2000

SIGNATURE OF INVENTOR 205

Michael J. SIMPSON

DATE

, 2000

SIGNATURE OF INVENTOR 207

Kenneth L. LEBSALK

DATE

, 2000

SIGNATURE OF INVENTOR 209

Jay D. THOMAS

DATE

, 2000


Marcellinus Franciscaus Ciprow

DATE

8-12 - 2000

SIGNATURE OF INVENTOR 206

Vincent L. BASILEY, Jr.

DATE

, 2000

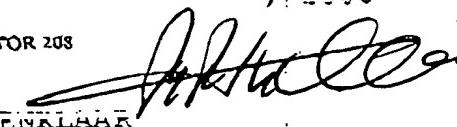
SIGNATURE OF INVENTOR 208

David Hembline

DATE

, 2000

SIGNATURE OF INVENTOR 208


Rudolph E. ENKLAAR

DATE

8-12 , 2000

End of Combined Declaration for Patent Application and Power of Attorney



ZARLEY LAW DSM

Patent and Trademark
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20591-0001

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674399	CATE	P03958US1
DONALD H ZARLEY ZARLEY MCKEE THOMTE VOORHEES & SEASE SUITE 3200 801 GRAND AVENUE DES MOINES, IA 50309 2721		INTERNATIONAL APPLICATION NO.
		PCT/US00/02028
		I.A. FILLED DATE PRIORITY DATE
		26 JAN 00 05 APR 99
		DATE MAILED 28 NOV 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- a Designated Office (37 CFR 1.494),
 an Elected Office (37 CFR 1.495);
- U.S. Basic National Fee.
- Copy of the international application in:
 a non-English language.
 English.
- Translation of the international application into English.
- Oath or Declaration of inventors(s) for DO/EO/US.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed 31 OCT 2000 and _____
- Information Disclosure Statement(s) filed _____ and _____
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed _____.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Copy of the International Search Report and copies of the references cited therein.
- Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled.
Note processing fee will be required if submitted later than 30 months from the priority date.
5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

- PCT/DO/EO/917
- PTO-875

FORM: PCT/DO/EO/99S (December 1997)

Notice of Defective Translation

Anita D. Johnson

Telephone: 703-305-3661